

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ISAIS FLORES MARTINEZ, *individually and on
Behalf of others similarly situated*,

Plaintiff,

ORDER

-against-

20-CV-4987 (AT) (JW)

BISMILLAH BAWARCHI INC.
(D/B/A
BAWARCHI INDIAN CUISINE),
FRESH FOOD NYC INC. (D/B/A
BAWARCHI INDIAN CUISINE),
AZIZ A. KHAN, and MOHAMMED
A. MAHBUB,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:


This case was referred for a Report & Recommendation on an anticipated motion for approval of an FLSA settlement on May 4, 2022. Dkt. No. 37. On June 1, 2022, this motion was made. Dkt. No 41. In light of this motion, the conference currently scheduled for June 7, 2022 is cancelled.

However, the Court has noted some inconsistencies in the motion filed. For instance, the parties state that the settlement is for a sum of \$5,000 to be paid by Defendant. This sum is also reflected in the Settlement Agreement, attached as Exhibit A to the Cheeks motion. However, in the Confessions of Judgments attached to the Agreement, it is stated that Defendant confesses judgment for the sum of \$10,000. Furthermore, Defendants' signatures on the Settlement Agreement are not dated.

The parties are directed to remedy the defects in their motion and refile by **June 16, 2022**. The Court is aware that this is the second time a Cheeks motion in this matter has been found deficient. See Dk. No. 33. Should the motion filed on June 16th still be flawed, the Court will schedule a conference to resolve any outstanding issues.

SO ORDERED.

DATED: New York, New York
June 2, 2022


JENNIFER E. WILLIS
United States Magistrate Judge